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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-B

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Gujarat Acts

LEGAL DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 23rd October, 2023

GUJARAT PUBLIC TRUSTS ACT, 1950.

No. GHK/25/2023/LD/EAB/e-file/12/2023/5220/Charity-E: The following draft of rules which is proposed to be issued under section 84 of the Gujarat Public Trusts Act, 1950 (Bom. XXIX of 1950) is hereby published as required by sub-section (3) of section 84 of the said Act, inviting objections and suggestions from all the persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the Government of Gujarat on or after the expiry of thirty days from the date of this notification in the *Official Gazette*.

- Any objection or suggestion that may be received by the Secretary and RLA, Legal Department, Sachivalaya, Gandhinagar from any person with respect to the said draft of rules on or before the expiry of the aforesaid period, will be considered by the Government.

DRAFT NOTIFICATION**GUJARAT PUBLIC TRUSTS ACT, 1950.**

No. GHK/25/2023/LD/EAB/e-file/12/2023/5220/Charity-E: In exercise of the powers conferred sub-section (1) of section 84 read with clause (w) of sub-section (2) of section 84 of the Gujarat Public Trusts Act, 1950 (Bom. XXIX of 1950), the Governor of Gujarat hereby makes the following rules further to amend the Bombay Public Trusts (Gujarat) Rules, 1961, namely :-

- *Here specify the serial no. of amendment if it is not the 1st for the year 2023.
1. These rules may be called the Bombay Public Trusts (Gujarat) (*Amendment) Rules, 2023.
 2. In Bombay Public Trusts (Gujarat) Rules, 1961 for rule 24, the following new rule shall be substituted, namely:-

“24. Application under section 36 for sanction of alienations.- (1) Every application for sanction of an alienation of Trust property by sale or lease shall be made *online* and shall contain information, *inter alia*, on the following, namely:-

 - (i) whether the instrument of trust contains any directions as to alienation of immovable property;
 - (ii) what is the necessity for the proposed alienation;
 - (iii) how the proposed alienation is in the interest of the public trust;
 - (iv) in case of a proposed sale, the valuation report of the District Valuation Committee of the area in which such property is situate assessing the value of such property shall be attached; and
 - (v) in the case of a proposed lease, the terms of the past leases, if any, shall be accompanied by a valuation report of the District Valuation Committee of the area in which the property to be leased is situate.
 - (2) The Charity Commissioner may, before according or refusing sanction, make such inquiry as he may deem necessary.
 - (3) The Charity Commissioner may impose such conditions or give such directions as he may deem fit while according sanction.
 - (4) The Trust that purchases or takes the said property in sale or, as the case may be, on lease shall pay service charge at such rate as determined from time to time for valuation of the property by the District Valuation Committee.
 - (5) The decision of the Charity Commissioner under sub-section (1) of section 36 shall be published in a manner sufficient to give information about the material particulars regarding the number of the application for sanction, the name of the public trust, the description of the property for the alienation of which sanction is accorded and the price at which it is proposed to be sold or mortgaged or the rent at which and the period for which it is proposed to be leased and the substance of such decision -
 - (a) in a local newspaper having circulation in the area where the property is situate;
 - (b) on the notice boards of the offices of the Charity Commissioner and the Deputy or Assistant Charity Commissioner, as the case may be, of the region in which the property is situate.

Explanation. For the purpose of this rule, District Valuation Committee shall mean the District Valuation Committee as referred to in the Government Resolution, Revenue Department, Government of Gujarat No. JMN/3997/83/A, dated 15/1/1998.”

By order and in the name of the Governor of Gujarat,

N. A. BARIA,

Under Secretary to Government.

